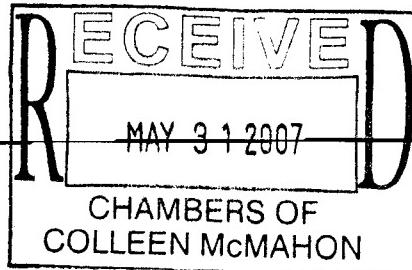


Leslie H. Ben-Zvi

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May 30, 2007

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
Courtroom 21B
New York, NY 10007

By Fax: (212) 805-6326

MEMO ENDORSED

6/1/07
Ex tenor pending

**Re: JFP Touring LLC v Polk Theatre Inc.
Docket Number 1:07-cv-3341 (CM) (RLE)**

Dear Judge McMahon

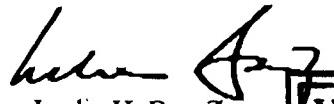
I am Plaintiff's counsel in the above-referenced matter and respectfully request that I be granted additional time – until Friday, June 8, 2007 – to respond to Defendant's motion to dismiss or in the alternative, to transfer venue to Tampa, FL. Defendant refuses to consent to such an adjournment.

I am a sole practitioner who just moved to this address on April 1, 2007 and Defendant's motion was unfortunately mis-calendared. Moreover, I was on vacation from May 16th until May 29th.

By way of background, Plaintiff is a New York-based theatrical producer and Defendant is a theatre located in Lakeland, Florida. After extensive negotiations, the parties entered into a written agreement by which Plaintiff would produce and Defendant would present *On Golden Pond* at Defendant's theater. Moreover, Plaintiff thereafter sent Defendant a written addendum which expressly stated, *inter alia*, that New York law and venue would apply. Defendant, in various emails and on the telephone, fully admits to having signed and FedEx'd said addendum back to Plaintiff in New York. When Defendant canceled the production and failed to pay Plaintiff, Plaintiff commenced an action in New York Supreme Court which Defendant thereafter removed to the Southern District.

Plaintiff's case is both meritless and properly venued in New York. I respectfully request that this motion be determined by the Court on the merits and that I be permitted to serve and file opposition papers by June 8, 2007.

Respectfully,


Leslie H. Ben-Zvi

cc: William E. Grob, Esq.
By Fax: (813) 261-7899

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